



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/592,017

09/07/2006

Armin Kuebelbeck

MERCK-3225

6766

23599

7590

04/14/2010

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.

2200 CLARENDON BLVD.

SUITE 1400

ARLINGTON, VA 22201

EXAMINER

PARVINI, PEGAH

ART UNIT

PAPER NUMBER

1793

NOTIFICATION DATE

DELIVERY MODE

04/14/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@mwzb.com

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10592017	9/7/2006	KUEBELBECK, ARMIN	MERCK-3225

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON, VA 22201

EXAMINER

PEGAH PARVINI

ART UNIT	PAPER
----------	-------

1793	20100408
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The Reply Brief filed March 22, 2010 is acknowledged; however, the application has been sent to the Board of Patent and Interferences for a decision.

Also, it is to be noted that the arguments presented in the Reply Brief had been addressed in the Examiner's Answer; for example, please see page 17 for remarks regarding the translation of Teller et al., please see pages 20-21 for arguments regarding "non-porous", see page 20 for arguments drawn to ammonia, and pages 17-18 for arguments regarding Blizzard and ammonia. Furthermore, please see pages 17-18 for arguments drawn to the teaching of Blizzard and solubilizer. Additionally, please see pages 18-20 for arguments drawn to the Example 1 of Blizzard. Furthermore, it should be noted that although Appellants have referred to pages 5 and 10 of the Examiner's Answer in their arguments drawn to Teller et al., page 10 of the Examiner's Answer is not directed to Teller, but that it is directed to a combination involving Trau et al. Moreover, "Amounts disclosed by Teller et al." argument, in fact, were addressed in the rejection in page 5, as pointed out by Appellants. Finally, densities of many compounds have been known and can easily be obtained through a wide range of resources; density of ammonia: 0.86; density of ethanol: 0.789; density of water: 1; density of TEOS: 0.94.

/Pegah Parvin/
Examiner, Art Unit 1793

/Anthony J Green/
Primary Examiner, Art Unit 1793